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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,272	07/01/2005	Mark Snyders	RANT 3264	6223

7812 7590 05/18/2006

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EXAMINER

NELSON JR, MILTON

ART UNIT PAPER NUMBER

3636

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/541,272	SNYDERS, MARK	
	Examiner	Art Unit	
	Milton Nelson, Jr.	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/21/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 16 and 19-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date = _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Rejections under 35 USC 112 have been overcome by Applicant's amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dixon (2219624). Note the side panels (10, 11), and rigid members (22, 22). Also note that Dixon is capable of supporting a flexible platen as set forth in the instant claims.

Claims 12, 13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansson et al (3650563). Note the side panels (26, 26), and rigid members (27, 27, 27). Also note that Hansson et al is capable of supporting a flexible platen as set forth in the instant claims.

Claims 12, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Moreno (3195954). Note the side panels (2-3, 7-8), rigid members (4-6), and mounting slot (see Figure 1B). Also note that Moreno is capable of supporting a flexible platen as set forth in the instant claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moreno (3195954) in view of Thorne (2865436). The primary reference shows all claimed features of the instant invention with the exception of the opposite edges of the panel being covered with a soft resilient foam strip. Note the discussion of the primary reference above. The secondary reference teaches providing opposite edges of the panel of a seating assembly as covered with a soft resilient foam strip (52). It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring opposite edges of the panel as covered with a soft resilient foam strip. Such enhances user comfort and safety.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Dixon (2219624) or Hansson et al (3650563) in view of Reid et al (574630). Each of the primary references shows all claimed features of the instant invention with the exception of each rigid member having a wheel-support mechanism mounted on it which is manually moveable between two positions at the first of which the wheels extend beneath the underside of the article to enable it to be rolled along the ground, and at the second position of which the wheels are stowed wholly between the two outlines of the panels so that the article can rest on convex under edges of the panels. Note the discussion of each primary reference above. The secondary reference teaches providing a rocker assembly with each rigid member having a wheel-support mechanism (A, B, E, G, H) mounted on it which is manually moveable between two positions at the first of which the wheels extend beneath the underside of the article to enable it to be rolled along the ground, and at the second position of which the wheels are stowed wholly between the two outlines of the panels so that the article can rest on convex under edges of the panels. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify either primary reference in view of the teachings of the secondary reference by configuring each rigid member as having a wheel-support mechanism mounted on it which is manually moveable between two positions at the first of which the wheels extend beneath the underside of the article to enable it to be rolled along the ground, and at the second position of which the wheels are stowed wholly between the two outlines of the panels

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so that the article can rest on convex under edges of the panels. Each provides a means to selectively move the assembly between a static and a mobile configuration.

Allowable Subject Matter

Claims 16 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment/Arguments

Applicant's response has been fully considered. Remaining issues are described in the above sections.

Conclusion

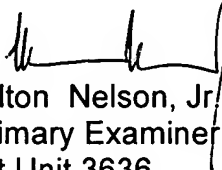
This Office action has not been made final since it includes a new grounds of rejection not necessitated by Applicant's amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. **The examiner can normally be reached on Monday-Wednesday, and alternate Fridays, 5:30-3:00 EST.**

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
May 14, 2006